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September 11, 2009

Via Email and Hand Delivery

Hon. Shira A. Scheindlin
United States District Judge
U.S. District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *City of New York v. ExxonMobil*, 04 CV 3417 (SDNY)
Limitations on Permissible Evidence Under Joint Pretrial Order

Dear Judge Scheindlin:

As we mentioned to counsel for ExxonMobil last week and as recently as yesterday, the City believes that there are limitations on the statute of limitations evidence given the stipulation of the parties in the Joint Pretrial Order concerning dates and levels of MTBE detections in the City's wells. Only two of the wells had detections outside of the statute of limitations period, as set forth in paragraphs 102, 105, 108, 111, 112, and 119 of the June 26, 2009 stipulation.

Respectfully Submitted,

Robert S. Chapman

cc: Counsel for ExxonMobil via email